

STATE OF NEW YORK
COUNTY COURT : COUNTY OF ERIE

THE PEOPLE OF THE STATE OF NEW YORK,
Respondent

AFFIDAVIT

-vs-

Indictment No.
97-1542-001

CORY EPPS,
Defendant

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

ANTHONY COSTANTINO, being duly sworn, deposed and says:

1. I am a Detective Sergeant with the Buffalo Homicide Squad.

2. I was involved with both the Cory Epps investigation and the Russell Montgomery case.

3. During my investigation of the Cory Epps case I never received any information naming Russell Montgomery as the shooter prior to the Epps trial.

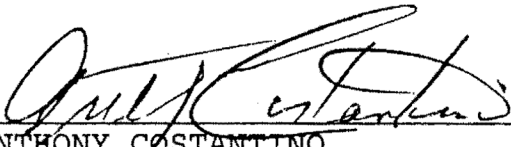
4. If I had obtained such information I would pursue it as a lead generating notes. I would also inform the assistant district attorney working on the case.

5. As a result of information obtained by Assistant District Attorney Schwegler from an anonymous letter, I was instructed to put together a photo array using a picture of Constance Ferguson, Russell Montgomery's girlfriend.

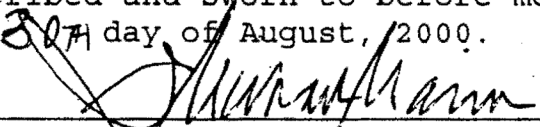
6. On June 4, 1998, Ray Massachia and I showed this photo array to Wymiko Anderson a/k/a Pumpkin. She identified Ferguson as Russell Montgomery's girlfriend.

7. We later showed this array to Jacqueline Bradley, the eyewitness in the Epps case. She could not pick any of the women out as a potential suspect.

8. The driver in the Means homicide had a missing tooth, Constance Ferguson has good teeth. She is also darker skinned than the description of the driver given by Jacqueline Bradley.


ANTHONY COSTANTINO

Subscribed and sworn to before me
this ~~30th~~ day of August, 2000.


Notary Public, State of New York
Qualified in Erie County
My commission expires on 1/21/01.